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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PUONGPUN SANANIKONE,

Plaintiff,

No. CIV S-07-1434 KJM KJN

vs.

UNITED STATES OF AMERICA, et al.,

Defendant.

vs.

PAUL TA, et al.,

Counterclaim Defendants.

ORDER

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This matter was on calendar for a hearing on the United States’ motion in limine to exclude four of counterclaim Intveld’s exhibits. Colin Sampson appeared telephonically for defendant United States; Frederick Smith appeared telephonically for counterclaim defendant Intveld; and William Adams appeared telephonically for plaintiff Sananikone.

The United States seeks to exclude four Form 843 Claims for Refund and Request for Abatement for the following periods: 4/1/00 to 6/30/00, 7/1/00 to 9/30/00, 10/1/00 to 12/31/00 and 5/1/01 to 6/30/01. The government argues that while the forms themselves are admissible, the attachment to the forms, containing Intveld’s narrative arguments concerning the

1 assessments, are hearsay. Intveld concedes the attachments contain hearsay, but notes they are
2 part of forms he was required to file. He also argues that the matter is more properly considered
3 at trial.

4 The court will defer ruling on the motion until trial. Before Intveld seeks to offer
5 the attachments at trial, if he does, he should notify the court so the question of admissibility
6 may be considered at a break outside the presence of the jury.


7 At hearing, the parties represented that they are continuing settlement discussions
8 on their own, and will notify the settlement judge if they require his further involvement to
9 exhaust the possibility of settlement of some or all of the claims currently scheduled for trial.

10 The parties are directed to confer about methods to streamline the trial and to
11 notify the court in a joint statement filed by 4:00 p.m. on October 11, 2010 of any proposals they
12 have, whether jointly or separately.

13 Proposed voir dire and jury instructions are due by the dates established in the
14 pretrial order: instructions are due fourteen days before trial and voir dire seven days before trial.
15 The court's standard jury instructions for civil trials and its standard voir dire questions will be
16 provided to counsel by Courtroom Deputy Casey Schultz.

17 IT IS SO ORDERED.

18 DATED: September 2, 2011.

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22 UNITED STATES DISTRICT JUDGE
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